



香港個人資料私隱專員公署
Office of the Privacy Commissioner
for Personal Data, Hong Kong

LC Paper No. CB(2)2317/13-14(01)

Your Ref.: CB2/BC/6/13

Our Ref.: PCPD(O)115/156/45

22 September 2014

By Fax (2185 7845) & By Post

Ms Maisie LAM

Clerk to Bills Committee on Electronic Health Record Sharing System Bill

Legislative Council Secretariat

Legislative Council Complex

1 Legislative Council Road

Central

Hong Kong

Dear Ms Lam,

Electronic Health Record Sharing System Bill

Thank you for your letter dated 18 September 2014 inviting me to comment on the draft Committee Stage amendments proposed by the Administration to the Bills Committee [LC Paper No. CB(2)2308/13-14(02)] in response to the issues raised at the last meeting on 29 July 2014.

My only comment is that the proposed clause 35A does not adequately address our concern that access to patients' health data must be made by healthcare professionals on a *need-to-know* basis. Clause 35A(2) merely states the broad principle that access to a healthcare recipient's health data may only be granted to a healthcare professional *who performs healthcare for the recipient*. While this would prevent access by people not performing healthcare for the recipient, it still enables all healthcare professionals of a healthcare provider to gain access to the same set of health data relating to the healthcare recipient, regardless of their

medical disciplines and the nature of healthcare they are providing individually to the recipient.

Yours sincerely,



Allan CHIANG
Privacy Commissioner for Personal Data

c.c. Secretary for Food and Health
(Attn: Mr. Sidney CHAN Shuen-yiu, JP)